

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: July 28, 2004

**Re: COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT:
Medium Density Residential to Community Commercial, in the 2400 Block of
Langhorne Road, corner of Langhorne Road and Murrell Road.**

I. PETITIONER

Laird Lynchburg, LLC, 5500 Lonas Drive, Suite 300, Knoxville, TN 37923

Representative: Ms. Robyn Askew, Laird Lynchburg, LLC, 550 Lonas Drive, Suite 300, Knoxville, TN 37923.

II. LOCATION

The subject property is a tract of approximately 2.2 acres located in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road.

Property Owners: Mr. Schaffer Oglesby, Village Oaks, L.P., 1401 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to amend the City of Lynchburg Comprehensive Plan Future Land Use Map, specifically a portion of approximately 2.2 acres in the 2400 Block of Langhorne Road (Between Murrell Road and Carrington Road), from Medium Density Residential to Community Commercial to allow the construction of a pharmacy and associated parking.

IV. SUMMARY

- Petition does not agree with the *Comprehensive Plan* which recommends Medium Density Residential land uses for the subject property.
- Petition does not agree with the *Comprehensive Plan* which includes the subject property in the Plaza/Midtown Mixed Use Area
- Petition does not agree with the *Comprehensive Plan* which includes the subject property in the Plaza/Midtown Revitalization Area.
- Petition is an example of an expedient spot amendment that does not support the vision, plan framework policies, or goals and objectives of the *Comprehensive Plan*; the petition is not in the best interests of the City and serves primarily the interests of the property owner and developer. As such, it should not be considered.
- Petition proposes the use of the subject property as a pharmacy with associated parking, following demolition of 22 units of existing multifamily housing.
- Petition accompanies a petition to rezone the subject property from R-4, Multi-Family Residential to B-3(C), Community Business District (Conditional)

The Planning Division recommends denial of the Future Land Use Map Amendment petition.

V. FINDINGS OF FACT

1. **Medium Density Housing.** The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential land use for the subject property. Medium Density Residential areas are characterized by small lot single family detached housing, duplexes, or townhouses at densities up to twelve (12) units per acre. Where medium density neighborhoods already exist, infill development should be at a compatible density and housing type.

The subject property was designated Medium Density Residential based on the current land use—apartments—and the projected future need for multifamily housing in the area. Medium Density Residential is compatible with E. C. Glass High School, an institutional use across Murrell Road, as well as the low scale professional office buildings across Langhorne Road.

The project as proposed would displace the residents of 22 units in the five and one half (5-1/2) existing apartment buildings proposed for demolition. Maintaining a variety of sound housing options and increasing the number of people that live in the neighborhood will be a key in the redevelopment of the area. Retail follows housing. Demolition of the existing apartment buildings will not further any of the goals or objectives of the *Comprehensive Plan*.

2. **Plaza/Midtown Mixed Use Area.** The *Comprehensive Plan* designates the subject property as being in the Plaza/Midtown Mixed Use Area, one of five such areas in the City. Mixed Use Areas are planned to include a combination of uses carefully laid out to complement each other and to mitigate any potential land use conflicts. The Plaza/Midtown is one area where most, if not all, of the existing uses could be incorporated into a redevelopment plan.

The Plaza/Midtown area was the City's first commercial area outside of the downtown and is planned for redevelopment. This area contains the Plaza Shopping Center, E. C. Glass High School, the City's main library, the City's main bus transfer center, office, and residential uses. The goal for this area as stated in the *Comprehensive Plan* is to redevelop the area into an integrated in-town community with a commercial retail core, surrounded by medium to high density housing, professional offices, with a complementing high school and library. The redevelopment is proposed to follow traditional neighborhood development principles and eliminate blight in the Plaza area.

The project as proposed would not further the concept of creating a commercial core for the Plaza/Midtown area as it would not be in close proximity to any other retail use and would require the demolition of medium density housing that is located around the commercial retail core.

3. **Plaza/Midtown Revitalization Area.** The *Comprehensive Plan* also designates the subject property as being in the Plaza/Midtown Revitalization Area, one of four such areas in the City. Revitalization Areas are older commercial areas that have experienced a decline in vitality and are targeted by the Comprehensive Plan for rehabilitation and/or redevelopment. Revitalization of the Plaza/Midtown area will meet many City goals, including: restoration of an historic mercantile area, elimination of vacancy and blight, provision of retail services and employment opportunities in close proximity to inner City neighborhoods, reliance on existing City infrastructure, possible reuse of existing buildings, and improvement in the City's image.

Ultimately, the City will develop and implement a revitalization plan for the area. The Comprehensive Plan contains general recommendations for revitalization areas that serve as interim policies to guide any changes proposed for these areas before revitalization plans can be adopted. The interim policies most relevant to the Plaza/Midtown Area are:

- The City should refrain from expanding business and industrial zoning in these areas.
- The City will entertain proposals for the addition or improvement of residential uses in and around revitalization areas to provide more customers for the businesses there. Such proposals should support neighborhood conservation goals.
- The City will entertain mixed use and/or TND redevelopment proposals for the Plaza/Midtown Area.
- Road improvement plans must consider not only the movement of through traffic, but also the movement of vehicles and pedestrians within these Revitalization Areas. Road improvement should not damage or further reduce community cohesion and aesthetic qualities.

The project as proposed is directly counter to each of these interim policies. First, it is an expansion of commercial zoning outside of the commercial core. Second, the project will result in the loss of housing essential to redevelopment of the area. Third, the proposed project is not a mixed use or TND redevelopment proposal. Such a proposal would incorporate the drug store into the commercial core, would require the building to front on the sidewalk, and would put the parking behind or at the side of the building. Fourth, the proposed project would place a high traffic generator—with a drive-through window—in close proximity to lower traffic generators (residences and professional offices). There is also a potential for conflict with E. C. Glass students and faculty at the beginning and end of the school day.

The *Comprehensive Plan* includes a description and recommendations specifically for the Plaza/Midtown Revitalization Area. As a retail area, the Plaza has been overshadowed by new retail developments elsewhere in the City. Residential areas in close proximity to the Plaza—west of Memorial Avenue between Alleghany Avenue and Wadsworth Street and along Oakley Street—have been rezoned to permit businesses uses, and subsequently many of the existing houses have been converted for a range of business uses.

According to the Plan, the Plaza/Midtown area represents a significant opportunity for reinvestment and redevelopment into an integrated in-town mixed use community with a commercial core, medium to high density housing, and professional offices, as outlined in the City's TND Ordinance. Plaza/Midtown already includes some of the civic uses and transportation resources desired in a TND. New residential and office uses need to be added and retail areas redeveloped in order to achieve a balance of uses contemplated in a TND. The addition of new residential areas is essential to the revitalization of retail and should be a focus of City revitalization efforts.

In addition to the general recommendations and interim policies for all revitalization areas outlined above, the *Comprehensive Plan* lists the following issues that need to be addressed specifically in the revitalization plan for the Plaza/Midtown area:

- Feasibility of redevelopment of The Plaza Shopping Center as a pedestrian and transit-oriented retail core for the area
- Addition of residential uses in and around the Plaza and along the Atherholt and Tate Springs road extensions
- Addition of office uses with proximity to the hospital

- Site and building design to take advantage of the excellent views of the Blue Ridge Mountains from the Plaza site
- Redevelopment or aesthetic improvements to the strip commercial along Memorial Avenue
- Incorporation of TND principles in the design of the area

The project as proposed is just the opposite of what is needed to address these issues. First it would detract from the feasibility of redeveloping the Plaza as the retail core. Second, it would subtract rather than add residential uses. Lastly, the design of the project does not follow TND principles and would detract from surrounding uses that do. For example, the professional offices across Langhorne Road are low scale, separated from the sidewalk only by a narrow landscaped yard, and have parking in the rear.

4. Expedient Spot Amendment.

Chapter 17 of the Comprehensive Plan includes a description of the process to amend the plan. One of the circumstances in which a plan amendment would be necessary is occurs when “[a] private sector proposal for development or redevelopment is not in conformance with the plan and requires a rezoning or conditional use permit as well.” The applicant for the rezoning (or conditional use permit) is to petition for the Future Land Use Map amendment along with the rezoning. City staff is to review the petition for the amendment and make a recommendation to the Planning Commission as is done for the rezoning.

The Plan continues:

In reviewing plan amendments, the City will consider whether the proposal supports the vision, plan framework policies, and goals and objectives of the Comprehensive Plan. Expedient spot amendments that do not support the vision, framework, policies, and goals and objectives of this Comprehensive Plan; that are not in the best interests of the City; and that serve only the interests of the property owner will not be considered. (page 17.5)

Since this proposal is in direct opposition to the land use designation (Medium Density Residential) and is not in agreement with the concept and recommendations for either the Plaza/Midtown Mixed Use Area or the Plaza/Midtown Revitalization Area, it does not support the Comprehensive Plan and is not in the best interests of the City. Therefore, this plan amendment should not be considered.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council denial of the petition of Laird Lynchburg, LLC to amend the City of Lynchburg Comprehensive Plan from Medium Density Residential to Community Commercial in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road for the construction of a pharmacy and associated parking.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Ms. Robyn Askew, Petitioner/Representative